

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

C.P. NO. 61/2003 in O.A. No. 22/2000

Dated this Thursday, the 24th day of July, 2003.

CORAM : Hon'ble Shri A. S. Sanghvi, Member (J).

Hon'ble Shri Shankar Prasad, Member (A).

Shri G. V. Datar ... Petitioner.

(By Advocate Shri K. K. Waghmare)

VERSUS

Shri Piararam,
Secretary - Defence & Others ... Contemnors.

(By Advocate Shri R. K. Shetty).

TRIBUNAL'S ORDER :

Heard Shri K. K. Waghmare, Learned Counsel for applicant and Shri R. K. Shetty, Learned Counsel for Respondents.

2. The Contempt Petition is moved by the applicant complaining that the orders passed in O.A. No. 22/2000 are not complied with by the opponents and as such the opponents have committed contempt of this Tribunal. While disposing of the O.A. by judgement and order dated 01.08.2001, the Tribunal directed that "the Applicants No. 1 and 2 would be entitled to the Upper Division Clerk grade with the attendant pay scale from 1.1.1947. However, the arrears of pay shall be confined to only 50% of the salary admissible." Further directions were also given pertaining to the revised pensionary benefits, etc.

3. However, it appears that subsequent to this direction a review petition was moved for the review of the orders passed and the same had come to be rejected by the Tribunal after hearing both the parties on 24.10.2002. The respondents had also moved M.P. No. 246/2003 for correction in the judgement pointing out

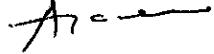
that so far Applicant No. 1 is concerned, it was already conceded by the Learned Counsel for applicant that he was not entitled for the benefit prayed for in the O.A. Since the same was not brought to the notice of the Tribunal at the time of final judgement, the M.P. was allowed with the consent of both parties.. The judgement was directed to be amended stating that Applicant No. 1 had not pressed the relief and, therefore, he was not entitled to any relief. This order had come to be passed on 17.04.2003.

4. From the above narrated facts it is quite apparent that till 17.04.2003 the judgement and order of the Tribunal were under review or reconsideration on one ground or another, hence for implementation of the orders the time began to run from the order passed in the M.P. i.e. 17.04.2003. We, therefore, find lot of substance in the submission of Mr. R. K. Shetty, Learned Counsel for Opponent that this C.P. is premature and opponents are entitled to the time upto September, 2003 for implementing the orders and it cannot be said at this juncture that the opponents have wilfully or deliberately flouted the orders of the Tribunal.

5. We hold that the Contempt Petition is premature and on this ground the C.P. is rejected. However, it will be open to the applicant to move a fresh C.P. as and when the cause for the same arises.


(SHANKAR PRASAD)

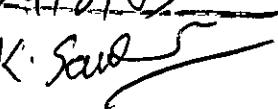
MEMBER (A).


(A. S. SANGHVI)

MEMBER (J).

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order/Judgement despatched
to Applicant/Respondent(s)
on 04/8/03


K. S. Suresh